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C O N F I D E N T I A L SECTION 01 OF 02 CAIRO 000858

SIPDIS

FOR NEA/ELA, DRL/NESCA AND IO/RHS

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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [CT](#) [UN](#) [EG](#)

SUBJECT: FIRST VISIT OF A UN SPECIAL RAPPORTEUR TO EGYPT

REF: A. CAIRO 598

[B](#). CAIRO 288

[C](#). 08 CAIRO 971

Classified By: Economic-Political Counselor Catherine Hill-Herndon
for reasons 1.4 (b) and (d).

[1](#). KEY POINTS:

-- (C) UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, visited Egypt from April 17-21. This was the first visit of a UN Special Rapporteur the GOE has allowed. The MFA said the GOE will invite a second, unspecified rapporteur to visit in June or July.

-- (C) The MFA told us Scheinin focused exclusively on Egypt's draft counterterrorism (CT) law, which is intended to replace the Emergency Law. Scheinin focused on a timeframe for parliament to consider the draft law, and the draft law's technical definitions of terrorism and pre-trial detention.

-- (C) The MFA acknowledged that Scheinin criticized Egyptian laws allowing detention without charge, warrantless searches and wiretapping, and State Security courts. The MFA does not anticipate the GOE will submit the draft CT law before parliament adjourns in June.

-- (SBU) Civil society contacts told us Scheinin held a three-hour discussion with 11 NGOs on the draft CT law. Scheinin plans to issue a report on the GOE's "CT law and practice by the end of 2009," but not until he visits Egypt again.

[2](#). (C) Comment: The draft counterterrorism law is not public, and only select GOE officials are familiar with its contents. It is unclear whether it contains human rights improvements over the current Emergency Law, which allows detention without charge, warrantless searches and wiretapping, and State Security courts. End comment.

[3](#). (C) MFA Deputy Director for Human Rights Omar Shalaby told us that Scheinin held "fruitful discussions" with GOE officials, members of parliament and the quasi-governmental National Council for Human Rights (NCHR), focusing exclusively on Egypt's draft counterterrorism law which is intended to replace the Emergency Law, in force almost continuously since 1967. Shalaby noted that Scheinin met with Minister of Parliamentary Affairs Mufeed Shehab, Parliament (PA) Speaker Fathi Surour, the chief of the Supreme Constitutional Court, the prosecutor general, NCHR Deputy Chairman Kamal Aboulmagd, and senior MFA and Interior Ministry officials at the assistant minister level.

[4](#). (C) According to Shalaby, Scheinin asked the Supreme Constitutional Court chief about the court's role in

protecting the rights of the accused. Scheinin asked PA Speaker Surour about a timeframe for the law's submission to parliament. Surour was not able to give a specific timeframe, but said he intends to share the draft law with the public. Shalaby told us that the law is still with the GOE drafting committee, and that the MFA does not believe the GOE will submit it to parliament during the current session ending in June. Shalaby said that during Scheinin's meetings, he asked about the draft law's definitions of terrorism, pre-trial detention and administrative detention, and queried GOE officials about international agreements on extraordinary rendition. Shalaby said Scheinin raised a few issues that went "slightly beyond" the draft CT law, such as the right to petition the renewable 30-day detentions allowed by the Emergency Law, and the inspection of prison conditions.

15. (C) Shalaby said that in his meetings, Scheinin was critical of Article 179 of the Egyptian Constitution. (Note: This article charges the state with "safeguarding security...in the face of the dangers of terrorism," and notes that government counterterrorism measures "cannot be hampered by" other constitutional articles requiring judges or the Public Prosecutor to order detentions, and prohibiting warrantless searches and wiretapping. End note.) According to Shalaby, Scheinin also reiterated "comments" from his 2006 report. (Note: The Special Rapporteur's 2006 report notes that the Emergency Law allows detention without charge, and criticizes State Security courts as "not independent." End note.) Shalaby said the GOE would allow the visit of another UN special rapporteur in June or July. Although Shalaby would not specify which rapporteur, he hinted that it would

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be a rapporteur dealing with economic, social and cultural rights.

16. (C) The Cairo Institute for Human Rights Studies (CIHRS) hosted Scheinin for a three-hour meeting with 11 Egyptian NGOs in advance of his consultations with the GOE and parliament. CIHRS Director Bahey Al-Din Hassan told us that the NGOs delivered presentations on the draft counterterrorism law leaked to the independent newspaper "Al-Masry Al-Youm" in February 2008, and discussed specific cases of detainees being "abused" under The Emergency Law. (Note: Per ref C, the MFA told us in May 2008 that the leaked draft was not accurate. End note.) Hassan said that Scheinin asked questions regarding the presentations, but did not discuss the points he planned to raise with the GOE and parliament. Soha Abdelatty, Deputy Director of the Egyptian Initiative for Personal Rights, who attended the meeting, told us that the NGO presentations focused on how counterterrorism measures currently impact the freedom of expression and association, and labor rights. Abdelatty said that Scheinin expressed particular concern with GOE surveillance of Egyptian citizens, access to phone records, and interception of communications.

17. (U) Scheinin issued a press statement following his visit thanking the GOE for its cooperation and for the "open and extensive discussions" he conducted with "key stakeholders" regarding counterterrorism. The statement lists Scheinin's meetings with specific GOE officials and parliamentarians, and makes note of his consultations with civil society. It concludes: "The willingness of the government to discuss the challenging subject of upholding human rights while countering terrorism is most encouraging. I will continue my dialogue with Egypt with a view to submitting a full public report on its counter-terrorism law and practice by the end of 2009. The report, which will contain a set of findings and recommendations, will then be considered by a future session of the Human Rights Council. In this context, I discussed with authorities my wish to visit Egypt again in the near future for the purpose of finalizing my report." SCOBey